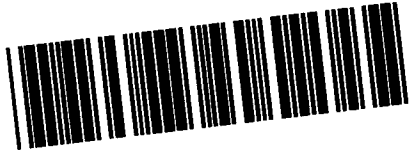




Control Number: 44069



Item Number: 42

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83rd
Legislature, Regular Session, transferred the functions
relating to the economic regulation of water and sewer
utilities from the TCEQ to the PUC effective
September 1, 2014

RECEIVED

2015 JAN -7 AM 9:35

SOAH DOCKET NO. 582-06-1697
TCEQ DOCKET NO. 2005-2092-UCR

PUBLIC UTILITY COMMISSION
FILING CLERK

APPLICATION OF THE CITY OF
COLLEGE STATION TO AMEND
SEWER CERTIFICATES OF
CONVENIENCE AND NECESSITY IN
BRAZOS COUNTY

§
§
§
§
§

BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS


ORDER NO. 13

GRANTING REQUEST FOR ADDITIONAL ABATEMENT

On February 5, 2008, the City of College Station (College Station or Applicant) timely filed a status report requesting that the abatement period in this case be continued. The parties are working on settlement and have made some progress.

Applicant's request for an additional abatement period has merit and is GRANTED. College Station shall file a status report on or before April 7, 2008.

SIGNED February 20, 2008.


LILLO D. POMERLEAU
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 FEB 20 AM 9:58
CHIEF CLERKS OFFICE

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE
300 West 15th Street Suite 502
Austin, Texas 78701
Phone: (512) 475-4993
Fax: (512) 475-4994

CHIEF CLERKS OFFICE

2008 FEB 20 AM 9:58

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

SERVICE LIST

AGENCY: Environmental Quality, Texas Commission on (TCEQ)
STYLE/CASE: CITY OF COLLEGE STATION
SOAH DOCKET NUMBER: 582-06-1697
REFERRING AGENCY CASE: 2005-2092-UCR

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

ADMINISTRATIVE LAW JUDGE
ALJ LILO D. POMERLEAU

REPRESENTATIVE / ADDRESS

PARTIES

MARK ZEPPA
ATTORNEY
LAW OFFICE OF MARK H. ZEPPA, P.C.
4833 SPICEWOOD SPRINGS RD., SUITE 202
AUSTIN, TX 78759-8436
(512) 346-4011 (PH)
(512) 346-6847 (FAX)

MAIN STREET HOMES - CS

BLAS J. COY, JR.
OFFICE OF THE PUBLIC INTEREST COUNSEL
MC-103 P.O. BOX 13087
AUSTIN, TX 78711-3087
(512) 239-6363 (PH)
(512) 239-6377 (FAX)

OFFICE OF PUBLIC INTEREST COUNSEL

DOCKET CLERK
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
OFFICE OF THE CHIEF CLERK
PO BOX 13087
AUSTIN, TX 78711
(512) 239-3300 (PH)
(512) 239-3311 (FAX)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

BILL DUGAT
ATTORNEY AT LAW
BICKERSTAFF, HEATH, SMILEY, POLLAN, KEVER &
MCDANIEL, LLP
816 CONGRESS, Ste 1700
AUSTIN, TX 78701
(512) 472-8021 (PH)
(512) 320-5638 (FAX)

CITY OF COLLEGE STATION

LEONARD H DOUGAL
ATTORNEY AT LAW
JACKSON WALKER, L.L.P.
100 CONGRESS AVENUE, SUITE 1100
AUSTIN, TX 78701
(512) 236-2000 (PH)
(512) 236-2002 (FAX)

WELLBORN SPECIAL UTILITY DISTRICT

ROBIN A. MELVIN
401 CONGRESS AVE., SUITE 2200
AUSTIN, TX 78701
(512) 480-5688 (PH)
(512) 480-5888 (FAX)

J. W. MCFARLANE, TRUSTEE

KAYLA MURRAY
STAFF ATTORNEY
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
ENVIRONMENTAL LAW DIVISION
P.O. BOX 13087
AUSTIN, TX 78711-3087
(512) 239-4761 (PH)
(512) 239-0606 (FAX)
kmurray@tceq.state.tx.us

EXECUTIVE DIRECTOR

xc: Docket Clerk, State Office of Administrative Hearings

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 FEB 20 AM 9:58
CHIEF CLERKS OFFICE

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE
300 West 15th Street Suite 502
Austin, Texas 78701
Phone: (512) 475-4993
Fax: (512) 475-4994

DATE: 02/20/2008
NUMBER OF PAGES INCLUDING THIS COVER SHEET: 4
REGARDING: ORDER NO. 13 - GRANTING REQUEST FOR ADDITIONAL ABATEMENT
DOCKET NUMBER: 582-06-1697

FAX TO:	JUDGE LILO D POMERLEAU	FAX TO:
BLAS J. COY, JR.	(512) 239-6377	
ROBIN A. MELVIN	(512) 480-5888	
BILL DUGAT	(512) 320-5638	
LEONARD H DOUGAL	(512) 236-2002	
MARK ZEPPA (LAW OFFICE OF MARK H. ZEPPA, P.C.)	(512) 346-6847	
KAYLA MURRAY (TEXAS COMMISSION ON ENVIRONMENTAL QUALITY)	(512) 239-0606	
DOCKET CLERK (TEXAS COMMISSION ON ENVIRONMENTAL QUALITY)	(512) 239-3311	

TCEQ Docket Clerk, Fax Number 512/239-3311

NOTE: IF ALL PAGES ARE NOT RECEIVED, PLEASE CONTACT NORMA LOPEZ(nlo) (512) 475-4993

The information contained in this facsimile message is privileged and confidential information intended only for the use of the above-named recipient(s) or the individual or agent responsible to deliver it to the intended recipient. You are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the address via the U.S. Postal Service. Thank you.

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 FEB 20 AM 9:58
CHIEF CLERKS OFFICE

SOAH DOCKET NO. 582-06-1697
TCEQ DOCKET NO. 2005-2092-UCR

2008 APR -8 AM 10: 58

CITY OF COLLEGE STATION'S
APPLICATION TO AMEND
SEWER CERTIFICATE OF
CONVENIENCE AND NECESSITY
IN BRAZOS COUNTY

§
§
§
§
§

BEFORE THE STATE OFFICE
CHIEF CLERKS OFFICE

OF

ADMINISTRATIVE HEARINGS

**STATUS REPORT AND UNOPPOSED
MOTION TO EXTEND ABATEMENT PERIOD**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

The City of College Station ("College Station" or "City") files this Status Report and
Unopposed Motion to Extend Abatement Period.

INTRODUCTION

In Order No.13, the last Order issued in this Docket, the ALJ requested that College
Station submit a status report. Settlement negotiations are still active and the parties request
further abatement of the schedule in an attempt to settle the matter.

BACKGROUND

This docket has been abated with 60 day status reports due as the parties attempt to settle
the case. The last report was filed on February 5, 2008 and the ALJ continued the abatement
period 60 days with a status report due on April 7, 2008.

STATUS REPORT

The City is actively working on two options for settlement. One option is to amend the
City's application to delete areas proposed by Wellborn Special Utility District ("WSUD"). The

City's planning department is evaluating WSUD's proposal and intends to provide useful information to support a counterproposal.

College Station is also pursuing an alternative settlement option where it will take over the wastewater treatment plant ("WWTP") owned by Main Street Homes ("MSH") and operated by WSUD and resolve the CCN dispute at the same time. This alternative requires satisfying concerns of landowners downstream from the WWTP who are in litigation with MSH. The City is working with the downstream landowners' proposal to send effluent from the WWTP to a City lift station.


MOTION FOR EXTENSION OF ABATEMENT AND CONCLUSION

College Station requests continuation of an indefinite abatement with a requirement to report every 60 days. Under this proposal, College Station will submit a status report to the ALJ on or before June 6, 2008. Counsel for College Station has conferred with Leonard Dougal, counsel for WSUD, Rick Jenkins of MSH and MSH's counsel, Mark Zeppa, and Kayla Murray, counsel for the Executive Director. All parties concur with this request.

Respectfully submitted,

BICKERSTAFF HEATH DELGADO ACOSTA LLP
816 Congress Avenue, Suite 1700
Austin, TX 78701
Tel: (512) 472-8021
Fax: (512) 320-5638

By:

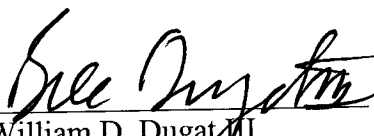

William D. Dugat III
State Bar No. 06173600

ATTORNEYS FOR COLLEGE STATION

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that on this 7th day of April, 2008, a true and complete copy of the foregoing was sent to the following by facsimile, overnight delivery, or by first class mail:

Parties	Representative / Address	Phone
TCEQ Executive Director	Kayla Murray, Staff Attorney TCEQ, MC-175 P.O. Box 13087 Austin, TX 78711-3087	Tel: (512) 239-0600 Fax: (512) 239-0606
Office of Public Interest Counsel	Blas J. Coy, OPIC TCEQ, MC-103 P.O. Box 13087 Austin, TX 78711-3087	Tel: (512) 239-6363 Fax: (512) 239-6377
Wellborn Special Utility District	Leonard Dougal Jackson Walker, L.L.P. 100 Congress Avenue, Suite 1100 Austin, TX 78701	Tel: (512) 236-2000 Fax: (512) 236-2002
Main Street Homes-CS	Mark Zeppa Law Offices of Mark H. Zeppa, P.C. 4833 Spicewood Springs Road Suite 202 Austin, TX 78759-8436	Tel: (512) 346-4011 Fax: (512) 346-2817
The Honorable Lilo D. Pomerleau Administrative Law Judge	SOAH 300 W. 15 th Street, Ste. 504 Austin, TX 78711-3025	Tel: (512) 475-4993 Fax: (512) 475-4994
Office of the Chief Clerk	TCEQ P.O. Box 13087 (MC-105) Austin, TX 78711-3087	Tel: (512) 239-3000 Fax: (512) 239-3311


William D. Dugat III

CHIEF CLERKS OFFICE

2008 APR - 8 AM 10: 58

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY